



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Mississippi Field Office  
6578 Dogwood View Parkway, Suite A  
Jackson, Mississippi 39213

December 30, 2013

IN REPLY REFER TO:  
2013-CPA-087

Ms. Liz Agpaoa  
Regional Forester  
USDA – Forest Service  
1720 Peachtree Road NW  
Atlanta, Georgia 30309

Subject: Biological Assessment for the National Forests in Mississippi Land and Resource Management Plan

Dear Ms. Agpaoa:

This responds to your November 18, 2013 letter requesting our review of the Biological Assessment (BA) prepared for the National Forests of Mississippi (NFM) Land and Resource Management Plan (LRMP). Within the BA, the effects of the NFM LRMP on ten federally listed endangered and threatened species and their critical habitat were evaluated. You made a determination that the proposed LRMP “may affect, but is not likely to adversely affect” the following eight species under Section 7 of the Endangered Species Act and have requested our concurrence. These species include:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Federal Status</u>
Gopher tortoise	<i>Gopherus polyphemus</i>	threatened
Gulf sturgeon (CH)	<i>Acipenser oxyrinchus desotoi</i>	threatened
Louisiana black bear	<i>Ursus americanus luteolis</i>	threatened
Louisiana quillwort	<i>Isoetes louisianaensis</i>	endangered
Mississippi sandhill crane (CH)	<i>Grus canadensis pulla</i>	endangered
Pallid sturgeon	<i>Scaphirhynchus albus</i>	endangered
Pondberry	<i>Lindera melissifolia</i>	endangered
Red-cockaded woodpecker	<i>Picoides borealis</i>	endangered

\*CH – critical habitat has been designated for these species

The LRMP contains numerous standards and guidelines that are designed to enhance and protect wildlife habitat for rare and sensitive species including federally listed threatened and

endangered species. The NFM made a determination of “not likely to adversely affect” based on the following general and species-specific factors:

### **General Factors**

1. The objective of the LRMP is to restore major forest communities, especially habitat structure, composition, and distribution, to a condition needed to maintain the viability of species associated with these communities. Therefore, the LRMP will have a net beneficial effect on federally listed species.
2. The NFM will follow the habitat management strategies found in the most current US Fish and Wildlife Service Recovery Plan for each threatened or endangered species relevant to the NFM.
3. The NFM will continue to consult on a project-by-project basis on those projects that are proposed to occur within potential habitat for federally listed species.

### **Species Specific Factors**

#### **Gopher Tortoise**

1. Heavy equipment (including mowers) should stay at least 25 feet from known gopher tortoise burrow aprons (heavy equipment is defined as agricultural tractors, crawler loaders, crawler dozer, backhoe/loader, front end loader, scraper pan, motor grader, skid steer, forklift [P.I.T.], hydraulic excavator, and specialty tracked equipment). Logging slash should be kept at least 25 feet from known tortoise burrows as well. Within that 25 foot buffer area, light machinery and hand tools should be utilized for vegetation control.
2. Conduct gopher tortoise burrow surveys at 5-year intervals per the Gopher Tortoise Recovery Plan of 1990.

#### **Gulf Sturgeon**

3. Erosion control measures should be applied in all ground-disturbing activities to reduce movement of bare soil and minimize direct delivery of sediment to streams or other waterbodies. Appropriate erosion control measures (installing water diversion, revegetation, mulch, silt fences, etc.) should be implemented as promptly as practical.

#### **Louisiana Black Bear**

1. Known black bear den sites will be protected from impacts associated with vegetation management and ground-disturbing activities, within a minimum of 100 feet around the den, until they are no longer usable as a den site.
2. Potential black bear den trees should be retained during all vegetation management treatments occurring in habitats suitable for bears. Potential den trees are those that are greater than 36 inches diameter at breast height containing visible cavities.
3. Continue active involvement with the Bear Education and Restoration Group of Mississippi which focuses on bear conservation, restoration, management, and public education.

### Louisiana Quillwort

1. Feral hog traps or other control activities that lure hogs to a concentrated area will be located at a minimum of 100 feet from known Louisiana quillwort colonies.
2. No herbicides will be mixed or applied within 100 feet of Louisiana quillwort plants/colonies.
3. Heavy logging equipment will not be used within a 165 foot buffer area of Louisiana quillwort plants/colonies. Suitable habitats for Louisiana quillwort within areas intended for timber harvesting and thinning will be surveyed prior to beginning operations.
4. Removal of beaver dams shall be conducted in such a manner as to minimize or avoid increased sedimentation and impacts to hydrology of streams and riparian areas associated with Louisiana quillwort.
5. New roads, off-road vehicle trails, and building construction will not be created within 165 feet of existing Louisiana quillwort plants/colonies. Suitable habitats for Louisiana quillwort within areas intended for new construction will be surveyed prior to beginning work. Road and trail construction and maintenance and general construction activities shall be conducted in such a manner as to minimize or avoid increased sedimentation and impacts to hydrology of streams and riparian areas associated with Louisiana quillwort.

### Mississippi Sandhill Crane

Although there is no evidence that Mississippi sandhill cranes are currently found on the NFM, the LRMP proposes to develop a cooperative management unit for cranes on the De Soto National Forest to increase potential nesting and foraging habitat.

### Pallid Sturgeon

Although there is no evidence that the pallid sturgeon is found within or adjacent to the NFM, the LRMP proposes to establish streamside buffer zones, restrict vegetation management activities in riparian zones, and employ erosion control measure in order to minimize downstream water quality impacts.

### Pondberry

1. Feral hog traps or other control activities that lure hogs to a concentrated area will be located at a minimum of 100 feet from known pondberry plants/colonies.
2. No herbicides will be mixed or applied within 100 feet of pondberry plants/colonies.
3. Avoid timber harvesting, thinning operations, road and trail construction or building construction within 100 feet of pondberry plants/colonies. Heavy logging equipment will not be used within this buffer area.

### Red-cockaded Woodpecker

1. Protect active and inactive cavity trees within burn units.
2. Limit pine regeneration area size.
3. Limit operable season to avoid nesting and brood-rearing periods in active clusters.

4. When pests occur in or near red-cockaded woodpecker colonies, a Forest Service pest management specialist and biologist may recommend treatment with cut and remove, cut and leave, or cut and spray to prevent destruction or loss of the colony site.
5. When treating southern pine beetle infestations within a red-cockaded woodpecker colony, trees vacated by southern pine beetle will not be cut or chemically treated. Uninfested trees within a 200-foot red-cockaded woodpecker colony buffer zone will not be cut or chemically treated unless such efforts would likely prevent southern pine beetle infestation of cavity trees. Disturbance in the colony sites will be kept to a minimum especially during breeding season.

We have determined that the information provided in the BA and draft LRMP is sufficient for us to evaluate the potential adverse and beneficial effects of implementation of the LRMP on the species listed above. We have also evaluated the species-specific conservation and protection measures that were identified in the BA and draft LRMP and believe that these factors will programmatically avoid and/or minimize potential adverse effects to these species. Based on these factors and NFM's commitment to continue consulting with our office on a project-by-project basis relative to potential adverse effects on these listed species, we concur with NFM's determination of "not likely to adversely affect" for the Mississippi sandhill crane, red-cockaded woodpecker, gulf sturgeon, pallid sturgeon, Louisiana black bear, gopher tortoise, Louisiana quillwort, and pondberry. In view of this, we believe that the requirements of Section 7 have been fulfilled for these species. However, NFM's obligations under Section 7 must be reconsidered, if: (1) new information reveals that the proposed project may affect listed species in a manner or to an extent not previously considered, (2) the proposed project is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed project.

Your biological assessment also concluded that the proposed LRMP would result in a "likely to adversely affect" determination for the following listed species:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Federal Status</u>
Dusky gopher frog (CH)*	<i>Rana sevosa</i>	endangered
Indiana bat	<i>Myotis sodalis</i>	endangered

We also concur with your determination that unavoidable local adverse effects may occur to some individuals of one or more of these species and by this letter initiate formal Section 7 consultation under the ESA on the potential effects of the LRMP to the dusky gopher frog and Indiana bat. All information required of you to initiate consultation was either included in your BA or is otherwise accessible for our consideration and reference.

Section 7 of the ESA allows the Service up to 90 calendar days to conclude formal consultation with your agency and an additional 45 calendar days to prepare our biological opinion. Therefore, we expect to provide you with our biological opinion no later than April 10, 2014.

If you have any questions, please contact David Felder of our office, telephone: (601) 321-1131.

Sincerely,

A handwritten signature in blue ink, appearing to be 'S.M. Ricks', written over a horizontal line.

*for* Stephen M. Ricks  
Field Supervisor  
MS Field Office

